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In re Application of
McNICHOLL *et al*
Application No.: 10/538,675
PCT No.: PCT/GB2003/005347
Int. Filing Date: 09 December 2003
Priority Date: 09 December 2003
Attorney Docket No.: IPG-051112
For: A DEVICE FOR TEMPORARILY
SHIELDING THE END OF A
SURGICAL INSTRUMENT SHARP

DECISION

This decision is in response to the "Petition Under 37 C.F.R. §1.182" filed 15 June 2009.

BACKGROUND

On 09 June 2005, applicant filed papers to enter the national stage of a PCT application. The transmittal letter (PTO-1390) indicated that the underlying international application is PCT/US2003/005347. Accordingly, the application was processed by the USPTO as the national stage of PCT/US2003/005347.

On 03 February 2009, applicant filed a replacement copy of the PTO-1390 indicating that the international application was PCT/GB2003/005347.

On 10 April 2009, a communication was mailed stating that a petition under 37 CFR 1.182 was required to correct the application papers.

On 15 June 2009, applicant filed the subject petition.

DISCUSSION

In the papers filed 15 June 2009, applicant indicates that the original transmittal letter "incorrectly listed" the international application as PCT/US2003/005347. Applicant requests to change the above-captioned application to the national stage of PCT/GB2003/005347.

The subject papers are treated under 37 CFR 1.182. The \$400.00 petition fee

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has been paid.

A review of the initial papers filed 09 June 2005 show that applicant submitted a copy of the international application, PCT/GB2003/005347. Moreover, the title, name of applicant, priority date and filing date on the transmittal letter correspond to PCT/GB2003/005347. Thus, it is clear that applicant intended to file a national stage application of PCT/GB2003/005347 on 09 June 2005 but for the error on the PTO-1390.

This is sufficient for a grantable petition under 37 CFR 1.182.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

The above-captioned application is the national stage of PCT/GB2003/005347.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing in accordance with this decision.



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